

## **REMARKS**

### **I. Introduction**

The present application includes claims 1-20. With this amendment Applicants have amended claims 1, 2, 5, 7, 9, 10, 13, 14, and 17, presented claim 6 in independent form, cancelled claims 8 and 11 without prejudice or disclaimer of subject matter, and added claims 21-25. As such, the application now includes claims 1-7, 9, 10 and 12-25.

Applicants have proposed a correction of a typographical error in numbered paragraph 67 as shown above. Entry of this amendment to the specification is respectfully requested.

### **II. Claim Objections**

The Examiner objected to informalities in claim 2. With this Amendment, Applicants have amended claim 2 to correct the informalities. Applicants submit that this amendment does not narrow the scope of claim 2.

### **III. Claim Rejections under 35 U.S.C. §102**

Claims 1-5 and 7-20 were rejected under 35 U.S.C. §102 as being anticipated by US Patent 6,874,828 to Roatis ("Roatis"). Roatis is directed to a BAYONET LOCKING SYSTEM FOR VENDING MACHINES AND THE LIKE. The rejected claims include independent claims 1, 7, and 14.

#### **Claim 1**

Applicants submit that Roatis fails to disclose, teach, or suggest the vending machine of amended independent claim 1 comprising "a cabinet defining an interior region ... a door coupled to the cabinet to move between an opened position permitting access to the interior region of the cabinet and a closed position blocking access to the interior region of the cabinet ... a lock ... including a first interactive member, a second interactive member, and a motor configured to power unlocking of the door, the second interactive member being configured to move relative to the first interactive member absent power from the motor to block the door from moving to the opened position, the motor powering relative movement between the first and second interactive members during locking."

Applicants submit that Roatis does not teach "the second interactive member being configured to move relative to the first interactive member absent power from the motor to block the door from moving to the opened position." On the contrary, as the Examiner acknowledges Roatis appears to require power from the motor to block the door from moving to an opened position.<sup>1</sup> For at least these reasons Applicants submit that independent claim 1 is not anticipated by Roatis. Applicants respectfully request removal of the rejection of claim 1.

Claims 2-5 depend from claim 1 and are not anticipated by Roatis at least for the reasons given above in connection with claim 1 and for the further limitations of the respective claims 2-5. Applicants respectfully request removal of the rejection of claims 2-5.

#### Claim 7

Applicants submit that Roatis fails to disclose, teach, or suggest the vending machine of amended independent claim 7 comprising " a cabinet defining an interior region ... a door coupled to the cabinet to move between an opened position permitting access to the interior region of the cabinet and a closed position blocking access to the interior region of the cabinet... a lock ... including a first interactive member and a second interactive member, and a motor configured to power movement of the lock the first interactive member and the second interactive member being moveable between one of an engaged position and a disengaged position to the other of the engaged position and the disengaged position absent power from the motor, the first interactive member and the second interactive member blocking movement of the door to the opened position when the first interactive member and the second interactive member are in the engaged position, the motor providing relative movement between the first and second interactive members to move the door to the closed position."

Applicants submit that Roatis does not teach "the first interactive member and the second interactive member being moveable between one of an engaged position and a disengaged position to the other of the engaged position and the disengaged position absent power from the motor, the first interactive member and the second interactive member blocking movement of the door to the opened position when the first interactive member and the second interactive member are in the engaged position." The rod of Roatis is not

---

<sup>1</sup> "Roatis ... [teaches a] vending machine latch assembly comprising a rod 1 and receiving means 13 and wherein a motor actuator 10 is not powered until after the door is closed to an intermediate position, with the rod 1 engaged in the receiving means 13 but not yet locked therein ...." Office Action, numbered paragraph 3.

moveable to either of an engaged position from a disengaged position nor a disengaged position from an engaged position without power from the motor wherein in the engaged position the door is blocked from movement to the opened position.

For at least these reasons Applicants submit that independent claim 7 is not anticipated by Roatis. Applicants respectfully request removal of the rejection of claim 7.

Claims 9, 10, 12, and 13 depend from claim 7 and are not anticipated by Roatis at least for the reasons given above in connection with claim 7 and for the further limitations of the respective claims 9, 10, 12, and 13. Applicants respectfully request removal of the rejection of claims 9, 10, 12, and 13.

#### Claim 14

Applicants submit that Roatis fails to disclose, teach, or suggest the vending machine of claim 14 comprising "a cabinet ... a door coupled to the cabinet to move between an opened position ... a plurality of intermediate positions, and a closed position ... a seal ... a lock, and a motor, the door being moveable to one of the intermediate positions by a manual input, the lock blocking movement of the door to the opened position from each of the intermediate positions, the motor being configured to power movement of the door to the closed position from the intermediate position to compress the seal."

Applicants submit that based on numbered paragraph 3 of the Office Action the Examiner is considering Roatis to have an intermediate position when Roatis is in the arrangement shown in Fig. 8 as this is the position of Item 1 prior to rotation of Item 2 by the motor. In Fig. 8, the bayonet (Item 1) is received in an opening of the receiver (Item 13). However, this arrangement does not teach the limitation of claim 14 that " the door being moveable to one of the intermediate positions by a manual input, the lock blocking movement of the door to the opened position from each of the intermediate positions." In contrast, in the arrangement shown in Fig. 8, the bayonet (item 1) is not blocked and the door may still be moved to the opened position.

For at least these reasons Applicants submit that independent claim 14 is not anticipated by Roatis. Applicants respectfully request removal of the rejection of claim 14.

Claims 15-20 depend from claim 14 and are not anticipated by Roatis at least for the reasons given above in connection with claim 14 and for the further limitations of the respective claims 15-20. Applicants respectfully request removal of the rejection of claims 15-20.

#### **IV. Claim Rejections under 35 U.S.C. §103**

Claims 1-20 were rejected under 35 U.S.C. §103 as being unpatentable over US Patent 6,345,522 to Stillwagon ("Stillwagon") in view of Roatis. The rejected claims include independent claims 1, 6, 7, and 14.

Applicants submit that the combination of Stillwagon and Roatis is improper. In making the rejection the Examiner states that "It would have been obvious to one of ordinary skill in the art to modify the latch assembly of Stillwagon by substituting a well known motor actuator and rotatable rod assembly, for the disclosed solenoid latch, as taught by Roatis to provide equivalent function and result." The Examiner has failed to provide any teaching from either reference that would even suggest, let alone, motivate such a combination. The Examiner merely states that the motor actuator and rotatable rod assembly of Roatis would provide equivalent function and result. Applicants submit that this is not an example of motivation. Therefore, the Examiner has failed to provide a case of *prima facie* obviousness.

Applicants submit that such a wholesale replacement of the solenoid latch of Stillwagon with a motor actuator and rod assembly of Roatis is not obvious to one of ordinary skill in the art, but rather appears to be the cobbling together of references based on impermissible hindsight with Applicants claimed invention as the blueprint. As evidence thereof Applicants find no teaching or suggestion in either Stillwagon or Roatis on how to modify Stillwagon to work with Roatis; nor Applicants submit has the Examiner provided any.

As such, Applicants submit that the combination of Stillwagon and Roatis is improper and that the rejection of claims 1-7, 9, 10, and 12-20 is improper. Applicants respectfully request that the rejection of claims 1-7, 9, 10, and 12-20 be withdrawn.

Without acquiescing in the appropriateness of the combination of Stillwagon and Roatis, Applicants submit that the combination does not disclose, teach, or suggest the vending machine of claim 14 comprising " a cabinet ... a door coupled to the cabinet to move between an opened position ... a plurality of intermediate positions, and a closed position ... a seal ... a lock, and a motor, the door being moveable to one of the intermediate positions by a manual input, the lock blocking movement of the door to the opened position from each of the intermediate positions, the motor being configured to power movement of the door to the closed position from the intermediate position to compress the seal."

Applicants submit that Stillwagon fails to teach "the door being moveable to one of the intermediate positions by a manual input, the lock blocking movement of the door

to the opened position from each of the intermediate positions." The mechanical latch assembly 31 of Stillwagon is moveable between a locked position (Figs. 3 and 4) and an unlocked position (Fig. 5). Stillwagon is silent as to an intermediate position between the opened position of the door and the closed position of the door whereat movement to the opened position is blocked by the mechanical latch assembly 31. As explained above in the discussion related to claim 14 in section III, Roatis does not cure this deficiency of Stillwagon.

For at least these reasons Applicants submit that Stillwagon, alone or in combination with Roatis does not disclose, teach, or suggest independent claim 14. Applicants respectfully request removal of the rejection of claim 14.

Claims 15-20 depend from claim 14 and are patentable over Stillwagon, alone or in combination with Roatis, at least for the reasons given above in connection with claim 14 and for the further limitations of the respective claims 15-20. Applicants respectfully request removal of the rejection of claims 15-20.

#### **V. Additional References**

Applicants representative has received a Third Party Submission of an Information Disclosure Statement ("Submission") dated June 29, 2005 and signed by Carmine Cuda. This Submission lists the following five patents: US 4,167,104; US 4,594,637; US 5,636,881; US 5,575,515; and US 6,068,305. A review of the PAIR system indicates that the Examiner also has received and has entered the same submission. Applicants respectfully request consideration of these references and acknowledgement from the Examiner of such consideration in the next communication from the Patent Office.

#### **VI. New Claims**

Applicants have added dependent claims 21-25. Claims 21-25 depend directly or indirectly from claim 7. Consideration and allowance of these claims is respectfully requested.

#### **VII. Conclusion**

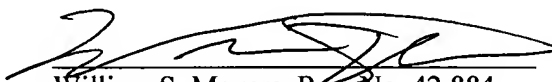
Applicants submit that claims 1-7, 9, 10, and 12-25 are believed to be in condition for allowance. Such allowance is respectfully requested.

If necessary, please consider this a Petition for Extension of Time to effect a timely response. Please charge any additional fees or credits to the account of Baker & Daniels Deposit Account No. 02-0390.

In the event that there are any questions related to these amendments or to the application in general, the undersigned would appreciate the opportunity to address those questions directly in a telephone interview to expedite the prosecution of this application for all concerned.

Respectfully submitted,

BAKER & DANIELS LLP



William S. Meyers, Reg. No. 42,884

Baker & Daniels

300 North Meridian Street, Suite 2700

Indianapolis, Indiana 46204

Telephone: (317) 237-1157

Facsimile: (317) 237-1000